IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8070 OF 2005

Shamrao Mahadeo Kamble ...Petitioner
vs.
The Election Officer
and Ors. ....Respondents

WRIT PETITION NO. 8071 OF 2005

Gundu A. Patil ...Petitioner
vs.
The Election Officer
and Ors. ....Respondents

WRIT PETITION NO. 8072 OF 2005

Malutai Ananda Patil ...Petitioner
vs.
The Election Officer
and Ors. ....Respondents

WRIT PETITION NO. 8073 OF 2005

Ramesh V. Mali ...Petitioner
vs.
The Election Officer
and Ors. ....Respondents

WRIT PETITION NO. 8074 OF 2005

Krishna Rama Shinde ...Petitioner
vs.

The Election Officer
and Ors. ....Respondents

WRIT PETITION NO. 8075 OF 2005

Shri Marutirao Bandu Savadkar ...Petitioner
vs.
The Election Officer
and Ors. ....Respondents

P.B. Shah for the petitioner.

V.B. Rajgure for respondent no.1 and 2.

Mr. A.H. Palekar, AGP for 34H.

CORAM: S.U. KAMDAR, J.

DATE : 25th November, 2005.

P.C. :

1. The present petition is challenging the order dated 17.11.2005 in appeal preferred under Section 152A of the Maharashtra Co-operative Societies Act.

2. The appeal is filed against the decision of the Returning Officer in the election dated 11.11.2005 by which the nomination of the petitioner has been rejected on various grounds inter-alia on the ground that they have not produced valid cast certificate for contesting the election under the reserved category. The appeal was dismissed on the ground that the petitioner has not filed the appeal within the prescribed period of time as contemplated under section 162 of the Act. Learned counsel for the petitioner contends that the matter should be remanded back to the Collector for being heard on merits. However tomorrow i.e. 26.11.2005 is the last date for declaring the final list of contesting candidates. Any order passed by me in the present petition would in my opinion directly interfere with the election process which is already under way and would jeopardise the election schedule which has been published by the Returning officer. In the light of the series of the judgment of the apex court that the court

cannot interfere once the election process has commenced under Article 227 of the Constitution of India. I am not inclined to pass any order. The remedy of the petitioner, if any to challenge the election in after the election is concluded in accordance with the provisions of law.

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